

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MARCUS DOWNIE,
Petitioner,

v.

DOUG DRETKE, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE-INSTITUTIONAL DIVISION,
Respondent.

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C.A. NO. C-04-685

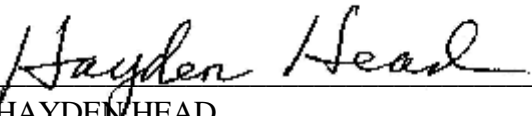
**MEMORANDUM OPINION AND ORDER GRANTING RESPONDENT'S MOTION
FOR SUMMARY JUDGMENT**

On October 21, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 18). Objections were timely filed (D.E. 21).

Having reviewed *de novo* the Magistrate Judge's memorandum and recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, respondent's Motion for Summary Judgment (D.E. 15) is GRANTED, and petitioner's cause of action for habeas corpus relief is DISMISSED as time barred.

ORDERED this 31st day of January, 2006.


HAYDEN HEAD
CHIEF JUDGE